

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

QUINN F. SCOTT, et al.	:	CIVIL ACTION
v.	:	
BIMBO BAKERIES, USA, INC., and BIMBO FOODS BAKERIES, INC.	:	No. 10-3154

ORDER

AND NOW, this 29th day of February, 2012, upon consideration of Defendants’ “Motion to Dismiss Plaintiffs’ Amended Complaint” (Doc. No. 7), and Plaintiffs’ “Motion for Approval of Notice to Potential Class Members And For Approval of Form of Preliminary Class Notice and Consent to Opt-In Form” (Doc. No. 9), the responses and replies thereto, and for the reasons stated in the accompanying Memorandum Opinion, it is hereby **ORDERED** that:

1. Defendants’ Motion (Doc. No. 7), is **GRANTED** in part and **DENIED** in part, such that Plaintiffs’ claims under the Pennsylvania Wage Payment and Collection Law (“WPCL”), 43 PA. CON. STAT. §§ 260.1 et seq. (Count I), and Plaintiff claims of negligent misrepresentation (Count IV) are **DISMISSED**;
2. Plaintiff’s Motion (Doc. No. 9) is **GRANTED** to the extent that Plaintiffs’ collective action under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201 et seq., is **CONDITIONALLY CERTIFIED**;
3. Plaintiffs’ request that the Court approve their proposed notice form to be sent to potential class members is **DENIED**. Within **thirty (30) days** of the date of this Order, the parties shall meet and confer to devise a joint proposed notice form to be

submitted to the Court for approval. If the parties are unable to reach an agreement, they shall contact Chambers to schedule a telephone conference regarding resolution of this issue.

BY THE COURT:

/s/ Mitchell S. Goldberg

Mitchell S. Goldberg, J.